

PROB 12C(d)
(03/06)

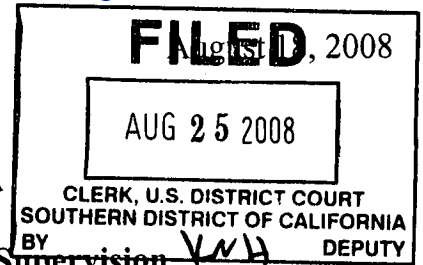
Received in Chambers

AUG 19 2008

Roger T. Benitez
U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Warrant or Summons for Offender Under Supervision



Name of Offender: Javier PONTAZA-Arrieta (Spanish)

Dkt No.: 07-CR-3064-001-BEN

Reg. No.: 20220-359

Name of Sentencing Judicial Officer: The Honorable Roger T. Benitez, U.S. District Judge

Date of Sentence: December 10, 2007

Original Offense: 8 U.S.C. § 1326(a), Deported Alien Found in the United States, a Class E felony

Sentence: 60 days' custody; 1 year supervised release. (*Special Conditions: Not reenter the United States illegally; if deported not reenter the United States. Supervision waived upon deportation.*) \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: December 14, 2007

Asst. U.S. Atty.: Rebecca S. Kanter

Defense Counsel: Howard B. Frank (Appointed)
(619) 574-1888

Prior Violation History: None.

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

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The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION(S)**ALLEGATION(S) OF NONCOMPLIANCE****(Mandatory Condition)**

Not commit another federal, state, or local crime. (nv1)

1. On or about May 14, 2008, Mr. Pontaza-Arrieta, a previously deported alien, was found in the United States in violation of 8 U.S.C. § 1326, as evidenced by his conviction in the U.S. District Court, Southern District of California, Docket No. 08-CR-1952-001-IEG.

(Special Condition)

If deported, or returned to Mexico, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States. (nv35)

2. On or about May 14, 2008, Mr. Pontaza-Arrieta, a previously deported alien, was found in the United States, as evidenced by his conviction in the U.S. District Court, Southern District of California, Docket No. 08-CR-1952-001-IEG.

Grounds for Revocation: As to allegations 1 and 2, I received and reviewed the complaint (with probable cause statement) and information, which confirmed the following: On the above date, Mr. Pontaza-Arrieta, along with eight other subjects, was seen by a U.S. Border Patrol agent in an area approximately five miles west of the San Ysidro, California, Port of Entry, and approximately 100 yards north of the United States/Mexico International Boundary. When the agent conducted an immigration inspection, all subjects including Mr. Pontaza-Arrieta, admitted to being citizens and nationals of Mexico without having any immigration documents allowing them to be or remain in the United States legally.

On June 12, 2008, an information was filed in the U.S. District Court, Southern District of California, Docket No. 08-CR-1952-001-IEG, charging Mr. Pontaza-Arrieta with a violation of 18 U.S.C. § 1001, False Statement to a Federal Officer. On August 6, 2008, Mr. Pontaza-Arrieta pled guilty as charged and was sentenced to 6 months' imprisonment with 3 years' supervised release to follow.

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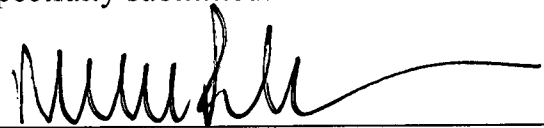
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U.S. Probation Officer Recommendation: If found in violation, that supervised release be revoked and the offender be sentenced to 10 months' custody, consecutive to any sentence he may be serving, pursuant to USSG §7B1.3(f), p.s. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 18, 2008

Respectfully submitted:



Mark R. Reinhardt
Supervising U.S. Probation Officer

Attachments

/pjk

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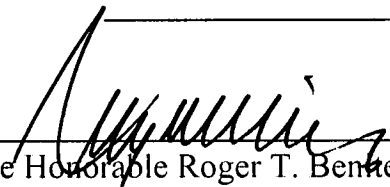
THE COURT ORDERS:

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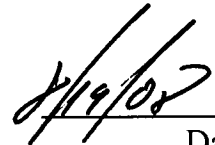
A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

(Currently detained at Metropolitan Correctional Center, San Diego, California, under Registration No. 20220-359)

Other _____



The Honorable Roger T. Benitez
U.S. District Judge



Date

EXPANDED VIOLATION WORKSHEET

1. **Defendant:** PONTAZA-Arrieta, Javier
2. **Docket No. (Year-Sequence-Defendant No.):** 07-CR-3064-001-BEN

3. **List Each Violation and Determine the Applicable Grade (See USSG § 7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
<u>Deported Alien Found in the United States</u>	<u>B</u>

4. **Most Serious Grade of Violation (See USSG § 7B1.1(b))** [B]

5. **Criminal History Category (See USSG § 7B1.4(a))** [I]

6. **Statutory Maximum Term (Custody) (See 18 U.S.C. § 3583(e)(3))**

Upon finding of a violation, the court may modify the conditions of supervision; extend the term if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. If the court revokes supervised release, the maximum term of imprisonment upon revocation is:

[12 months]

7. **Range of Imprisonment (Custody) (See USSG § 7B1.4(a))**

A Grade B violation with a Criminal History Category I establishes an imprisonment range of:

[4-10 months]

8. **Statutory Maximum Term (Supervised Release) (See 18 U.S.C. § 3583(b))**

If supervised release is revoked and the offender is required to serve a term of imprisonment, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment imposed upon revocation. In this case, the court has the authority to reimpose a term of:

[12 months]

9. **Recommendation:**

[10 months' custody, consecutive to any other sentence being served. See USSG § 7B1.3(f)-w/ no supervised release to follow]



August 18, 2008
Date